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December 18, 2003

Sent via Facsimile

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**Re: *Estate of Roger D. Owensby, Jr. v. City of Cincinnati, et al.,
Case No. 01-CV-769 (S.D. Ohio)***

Dear Counsel:

On November 11, 2003 we served upon the City of Cincinnati Plaintiff's Sixth Request for Production of Documents. In accord with Rule 34(b), Fed. R. Civ. P., the City's written response to these document requests were due on Monday, December 15, 2003. No written response and no documents have been provided to date. Please immediately produce the City's written responses and the requested documents. Please also note that all objections are waived because of your failure to timely respond to these document requests. *Id.*; *Bailey v. Container Corp. of America*, 36 Empl. Prac. Dec. ¶ 35,096 (S.D. Ohio 1984) (Porter, S.J.).

Sincerely,



Paul B. Martins

PBM:kmr

cc: Mark T. Tillar, Esq. (via facsimile)
John J. Helbling, Esq. (via facsimile)
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EXHIBIT D